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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,716	10/29/2003	Larry Saik		4016

7590 09/11/2006
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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,716

Applicant(s)

SAIK, LARRY

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 12-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

1. Claims 16-19 stand objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 16-19 have not been further treated on the merits.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 11, line 6, the phrase, "the reduction nozzle" is without proper antecedent basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U. S. Pat. No. 5,582,652) in view of Ray (U. S. Pat. No. 3,407,824), Steltz (U. S. Pat. No. 3,095,001) or Winslow et al. (U. S. Pat. No. 6,142,160).

Re claim 1, Robertson is cited disclosing a trailer mounted mobile apparatus for dewatering and recovering formation sand from an oil-sand-water mixture contained in a remotely located field oil storage tank, said tank having a flanged fluid drain hole located at the bottom thereof, and a flanged fluid inlet hole located above said flanged fluid

drain hole, said trailer mounted mobile apparatus towable by a truck, the trailer mounted mobile apparatus comprising:

- a. a conduit adapted for connection to said tank flanged fluid drain hole (see fig 2), said conduit having a first conduit (50) and a second conduit (102) conduit said first conduit having a flanged first end and a flanged second end, said second conduit having a first end connected to the first conduit and a second conduit flanged second end, wherein the axis of the second conduit is angled away from the axis of the first conduit;
- b. high pressure water injection (44) means for injecting high pressure water into the formation sand within the tank through the first branch of the furcated conduit in order to create a sand-water slurry within the tank while maintaining the oil contained within the tank substantially undisturbed (see col. 4, lines 14-19, inherent in the downwardly angled nozzles);
- c. means for withdrawing said slurry from the tank by way of the second branch of the furcated conduit;
- d. means (182, 186) for dewatering the slurry said dewatering means located remote from the tank; and,
- e. means (140) for transporting the slurry from the tank to said remote slurry dewatering means that differs from the claim only in the recitation of the conduit being furcated and the diameters of the first branch, the second branch and the hole being equal. The patents to Ray, Steltz and Winslow are each disclosing the furcated conduit as claimed. It therefore would have been obvious to one having ordinary skill in the art

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to modify the device/system of Robertson, to have the conduits furcated as taught by Ray, Steltz or Winslow, for the purpose of providing a more compact coupling arrangement. It is old and well known to substitute equivalent couplings. As for the diameters as claimed, Winslow and Steltz disclose the diameters. As for the inter-axis angle, the same is of little patentable weight in view of the corresponding structure in Winslow. Nonetheless, Ray and Steltz disclose the angle as claimed. Re claim 2, Ray, Steltz and Winslow disclose the annulus and the nozzle as claimed. Re claim 3, Robertson discloses the reservoir (128). Re claim 10, to specifically include a second pump is deemed to be an obvious extension of the teachings of Robertson. This is also applicable to the third pump as claimed in claim 11.

5. Claims 4-9, 12-15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Powell, Jr., Rue et al., Moran, Ostermeier, Lang, Mckibben, Saussure, Delano, Engstrand, Williams, Jr. Krajicke et al. and Paper, note the conduits.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746